

The Leesburg Planning Commission met on Thursday, January 6, 2005 in the Council Chambers, 25 West Market Street, Leesburg, Virginia. Staff members present were Wade Burkholder, Brian Boucher, Susan Swift, Nathaniel Ogedegbe and Linda DeFranco.

CALL TO ORDER

The meeting was called to order at 7:00pm by Chairman Vaughan.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Present: Chairman Vaughan
Commissioner Bangert
Commissioner Barnes
Commissioner Hoovler
Commissioner Jones
Commissioner Kalriess
Commissioner Wright.

ADOPTION OF AGENDA

Commissioner Hoovler moved to adopt the agenda as presented.

Motion: Hoovler
Second: Wright
Carried: 7-0

APPROVAL OF MINUTES

Commissioner Wright moved to adopt the minutes of the December 16, 2004 meeting and worksession as presented.

Motion: Wright
Second: Hoovler
Carried: 7-0

PREVIEW CASES

SE 2004-27 – Arby's at Potomac Station Retail, fast food restaurant with drive thru
Wade Burkholder, Senior Planner

Commissioner Hoovler asked about the pedestrian access that didn't seem to appear on the plans, nor were they listed in the conditions. Mr. Burkholder responded that there is an agreement with the developer that these will be included and that the conditions will be in place for the public hearing.

Commissioner Bangert asked since the zoning ordinance does not provide specific use standards for restaurants with drive-throughs, should it? If we don't have this in place, should it be put on the glitch list? Brian Boucher said that there are no standards in the Zoning Ordinance on this. Currently the other parts of the process pretty much take care of any concerns that might arise. Other standards pertaining to this are covered in the DCSM. There are no specific performance standards however, and this should probably be considered.

Chairman Vaughan said that the drive throughs were put under special exceptions because of the climate many years ago when fast food restaurants were a new phenomenon and people wanted regulations on traffic, hours, etc. Times have changed and reviewing the standards to update them is a good idea.

Susan Swift said they should not be encouraged and should remain as special exceptions because of the many factors that need to be considered with traffic impact, etc.

Commissioner Hoovler asked if a fence is planned for the rear of the restaurant. Mr. Burkholder said that some type of screening is required, but has not yet been determined. Mr. Hoovler also asked that BAR minutes be included in the report if the particular case has had BAR review.

SE 2004-28 – Loudoun National Bank – Special Exception for drive through
Wade Burkholder, Senior Planner

Commissioner Jones asked why the buffer zone was reduced by one classification. Mr. Burkholder said because the adjacent property is vacant. Mr. Jones wanted to know if there were options. The property may not always be vacant and why would that reduce the buffer. Mr. Burkholder replied that the vacant parcel would be responsible for the other half of the buffer. Mr. Jones asked what the difference was in the classifications of the landscaping classes. Brian Boucher said that he would have to refer to the ordinance but it basically allows to cut the buffer in half if the adjacent parcel is vacant.

Commissioner Kalriess asked if the two parcels were zoned the same. Yes, they are both B-2.

Commissioner Bangert stated that while she realizes that the Planning Department is in the middle of getting the draft town plan finalized, she requested that they research how many banks one community can support. One concern is oversaturation and the other being if the bank goes under, does that automatically make the property attractive to fast food restaurants because of the drive through capabilities. Susan Swift responded that they were already researching this and would report back when the information is compiled.

Commissioner Kalriess warned that attempting to appear to regulate business was not in the best interest of anyone.

Commissioner Jones felt it was a fair questions to request of regulatory authorities and they should be able to provide the answer.

Commissioner Hoovler said that this was discussed in the EDC and part of what has been done is a feasibility study by the banks indicating the market could bear another bank. Also, this particular bank is not a new bank, but a relocated one.

Robert Sevila, representative for the applicant, did reiterate that this is an existing bank that is relocating.

CHAIRMAN'S STATEMENT

None

PETITIONERS

None

PUBLIC HEARINGS

None

SUBDIVISION AND LAND DEVELOPMENT

None

ZONING

None

COMPREHENSIVE PLANNING

None

COUNCIL AND REPRESENTATIVES REPORTS

None

STAFF AND COMMITTEE REPORTS**Rezoning and Special Exception Procedures – 2005**

Susan Swift, Director, Planning, Zoning and Development

Prior to discussing the Rezoning and Special Exception Procedures, Susan Swift pointed out that the Commission had received a copy of the Annual Report to be presented to the Council. The report was accepted as submitted and will be sent on to Council.

Also, the logistics of the January 20 joint meeting with the EDC, EAC and PC were discussed. While the Council Chambers are not really conducive to this meeting, it was decided that trying to move the venue mid meeting would not work well. The meeting will be held in the Council Chambers with some modifications to the set up. Also, the other commissions will be advised that the start time of the joint meeting will be at around 8:00pm.

Susan Swift explained the timeline and the updated procedures for Rezoning and Special Exceptions. These have also been sent out to the development community. Essentially the procedure limits them to two submissions with the second submission being their last chance prior to Planning Commission review. This should encourage a better quality submission.

Commissioner Kalriess asked if in the past the number of submissions had been limitless. If they withdraw during the second submission process, will they have to wait one year before they can resubmit? Brian Boucher responded that the Commission can let them withdraw without prejudice so that they can come back sooner.

Susan Swift said there will be exceptions to these procedures, e.g., KSI or Meadowbrook, but the simple drive through banks, fast food restaurants, etc. should not have to go through several submissions. In the more complex applications, they can agree up front to the number of submissions required to thoroughly review the project.

Commissioner Wright asked if there was the possibility that there will be a poor quality submission that will be pushed through because of the accelerated timeframe? Ms. Swift responded that she did not think this was a concern for staff at all.

Commissioner Jones asked if there was a fatal flaw period – in other words a timeframe that provides review for fatal flaws. Susan Swift explained that yes, there were ten business days for that review period built into the schedule.

Commissioner Hoovler asked if the Planning Commission will get the timeline in advance so that they know what timeline they are working with. Susan Swift replied that yes, they will notify the Commission

OLD BUSINESS

Commissioner Jones asked for a the status of the JLMA review process. Can they continue the meeting that was started on December 16.

Commissioner Vaughan said that yes, that needed to be done, along with the timeline they established during the retreat held in November. Susan Swift said that they should put this on the agenda for the first meeting in February.

Commissioner Bangert said that they had discussed a timeline so that not everything is being reviewed at once.

Commissioner Jones asked about the discussion they had on several zonings in the JLMA south of town. He thought that there would be some kind of follow up on this – where does it stand. Susan Swift replied that this would be addressed in the draft town plan. The comments were noted and will be incorporated into the draft.

NEW BUSINESS

Commissioner Jones reported on the meeting with the Peterson group. It was a good meeting and discussed many impacts. Even though the Town does not have a lot of say in what will happen in the County, they were made aware of the fact that the town is interested in having an open dialogue.

Susan Swift described the parcel location as lying in the county west of the airport, east of the Greenway and south of Tolbert Lane. They have applied for a CPAM with the county. This will come back to the town as a referral, probably in about one month. They are applying for a rezoning at the same time, but neither county nor town staff are in favor of this. The proposal includes 1600 residential units and 2.5 million s.f. of commercial/retail space. This should include a town center, offices, airport related uses and flex space. The portion that's in town has a by right use of office/retail. No plans have come into the town yet. Utilities need to be addressed for this development since the provider of utilities has not yet been identified. The Airport was also represented and they expressed their concern over residential density in the area. There was also a meeting on the Creekside proposal and Mr. Mitchell will present this to the Town Council on Monday evening at 7:00pm.

Commissioner Jones asked how they could develop a site plan when they don't even have the land swap for Bolen Park finalized.

Susan Swift said they had relocated the park, but didn't know the acreage. They also didn't know how they would breakdown the residential units (single family, townhouse, etc.).

Commissioner Vaughan asked if they were beginning to see better communication between the County and the Town on these types of issues. Susan responded that the staff has always had good communication.

Commissioner Hoovler asked what the status was of the town and county Planning Commission relationship.

Commissioner Kalriess asked if they were empowered to quickly propose joint town planning commission and county planning commission meetings with regard to the JLMA applications.

Susan Swift said that it had not been done before, so they would have to try and see what happens.

Commissioner Jones said that the town commission does not have a voice in what the county says or does. However, they have the opportunity to speak with the developers and voice their concerns and he feels this is a good method of communication.

Susan Swift asked that the comments wait until the application has been formally submitted.

Commissioner Kalriess said that he was part of a meeting that was held with KSI and that he would like to meet with Susan Swift as a follow up to this meeting.

Commissioner Hoovler questioned the meeting and how the attendees were selected.

Susan Swift explained that this was a councilmember initiated meeting who then invited their selected Commission member to attend.

Chairman Vaughan expressed concern and cautioned that Commissioners be careful in meeting with applicants and setting up an issue with applicants and negotiating outside of the Planning Commission process. His experience has been that there are risks in having this sort of meeting, however, there are times when these types of meetings are acceptable depending on how they are handled. He would prefer to see the applicant come in and make a presentation to the entire Planning Commission. There have been situations where there was always something in the paper in a "he said/she said" context. He does not want to go back to that and asked the Commission to use caution in these types of meetings. Commissioner Vaughan said there is a public process and he would like to see it adhered to. At the very least, all Commission members should be made aware of any such meetings.

Commissioner Kalriess clarified his attendance at the meeting, stating that it involved the KSI applicant, several staff members and the town manager, along with councilmembers and commissioners. He said the applicant wanted to make sure they were basically on track to submit the road infrastructure for the proposal.

Susan Swift said that they asked if they could combine their preliminary and final development plans for the road. This meeting allowed staff to reiterate that if the plan amendment is not in place, they cannot do this. Currently the cloverleaf remains and this directly affects road location.

Chairman Vaughan said that he has received some correspondence from citizens about the cloverleaf design. He stressed that there is public interest in this project and the Commission should be mindful of that.

NEW BUSINESS

Election of Officers.

Commissioner Bangert asked Chairman Vaughan if he would clarify his statement at the last meeting regarding the chairmanship. She asked if he would potentially be leaving the area. Chairman Vaughan replied that some recent transactions had some market value attached to them and that he would have to wait and see what the market dictates. He feels at this point that the future is unclear on whether he will remain in Leesburg or not.

Commissioner Barnes then asked Chairman Vaughan if he were nominated for Chairman, would he accept the nomination. Chairman Vaughan replied that he is trying to look out for the best interest of the citizens and the Commission. He felt that he could work alongside a new chairperson and provide a smooth transition should he need to step down. However, he said that if they wanted him to stay on, he would accept the nomination.

Commissioner Bangert moved that Cliff Vaughan be nominated to remain as Chairperson of the Planning Commission. The motion was seconded by Commissioner Barnes. Chairman Vaughan asked if there were any other nominations. Commissioner Wright moved to close the nominations, this was seconded by Commissioner Hoovler.

Moved: Wright
Second: Hoovler
Carried: 7-0

The motion is on the floor to elect Cliff Vaughan as Chairman of the Planning Commission.

Carried: 7-0

Commissioner Barnes made the motion to nominate Bridget Bangert for Vice Chairman. The motion was seconded by Commissioner Hoovler. Commissioner Bangert declined acceptance and in turn nominated Commissioner Wright to be Vice Chairman. After some discussion about the technicality of her decline, this motion was seconded by Chairman Vaughan. The motion was made to close nominations was made by Commissioner Barnes and seconded by Commissioner Hoovler. This motion was carried unanimously 7-0.

The motion is on the floor to elect Kevin Wright as Vice Chairman of the Planning Commission.

Carried: 7-0

Commissioner Barnes moved that Kevin Wright remain as Parliamentarian to the Planning Commission. The motion was seconded by Commissioner Bangert.

Commissioner Hoovler moved to close nominations, this was seconded by Commissioner Jones. This motion carried unanimously 7-0.

The motion is on the floor to elect Kevin Wright as Parliamentarian of the Planning Commission.

Carried: 7-0

Election of Commission Liaisons

Commissioner Bangert moved that Cliff Vaughan remain as liaison to the Board of Architectural Review. The motion was seconded by Commissioner Wright. Commissioner Hoovler moved to close nominations, seconded by Commissioner Barnes. The motion carried unanimously, 7-0. Chairman Vaughan was reappointed to be the liaison to the BAR unanimously, 7-0.

Commissioner Bangert moved that Earl Hoovler remain as liaison to the Economic Development Commission. The motion was seconded by Commissioner Kalriess. Commissioner Barnes moved to close nominations, seconded by Commissioner Jones. The motion carried unanimously, 7-0. Commissioner Hoovler was reappointed to be the liaison to the Economic Development Commission unanimously, 7-0.

Commissioner Bangert moved that Chuck Jones be appointed as liaison to the Environmental Advisory Commission. The motion was seconded by Commissioner Wright. Commissioner Barnes moved to close nominations, seconded by Commissioner Hoovler. The motion carried unanimously, 7-0. Commissioner Jones was appointed to be the liaison to the Environmental Advisory Commission unanimously, 7-0.

Commissioner Bangert moved that Kevin Wright be reappointed as liaison to the Residential Traffic Committee. The motion was seconded by Commissioner Barnes. Kevin Wright was appointed to the Residential Traffic Committee unanimously 7-0.

ADJOURNMENT

The motion was made and seconded to adjourn at 8:26pm.

Prepared by:

Approved by:

Linda DeFranco, Commission Clerk

Clifton Vaughan, Chairman

